



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/541,102

06/28/2005

Guang Jian

136237-0001

4289

50659 7590 03/28/2007
BUTZEL LONG
STONERIDGE WEST
41000 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304

EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT

PAPER NUMBER

3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/541,102

Applicant(s)

JIAN, GUANG

Examiner

Joseph M. Pelham

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The Examiner acknowledges Applicant's submission of the amendment filed 12/1/06. Claims 1-20 are now pending.

Response to Amendment

The amendment filed 12/1/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "a plurality of tubular heaters" in claims 1 and 3, and "casting" in claims 7, 11, 15, and 16. The original disclosure contemplates just one heater and no mention of a casting.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claim 1 recites "a plurality of tubular heaters," as discussed immediately above.

Claims 7, 11, 15, and 16 recite "casting," and in claim 7 the amendment which introduced this term specifically cancelled the term "casing," which it replaced, implying that the new term is intended.

Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15, at line 5, recites an "inner container defining and outwardly-curving concavity," which, since it assumes a perspective from the outside of the container, would define a "convex" region.

Claim Rejections - 35 USC § 102

Claims 11, 12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 4024377.

Referring to Fig 2, and col. 1, line 66, through col. 2, line 1, and col. 2, lines 39-66, US'377 discloses a cover 20, an "inner container" 10, an "inner heat insulating casing" 28 and an "intermediate heat-insulating casing" 24 with fibrous insulation 46 therebetween, a heater element 38 in the "welled area" of inner casing 28, and a "hot air passing chamber" between the inner container 10 and inner casing 28. The Examiner notes that heater 38 is held apart from the bottom of inner container 10 by brackets 34, 36 so as to heat the inner container both radiantly and by convection, and the "hot air passing chamber" in which convection heating obtains reaches as far up the inner

Art Unit: 3742

container sides as the uppermost extent of the curved portion, which, moreover, meets the limitation of "an outwardly-curving concavity."

Regarding the identification of the US'377 device as a "hot well," it is clearly capable of cooking raw food placed in it, hence it meets the limitation "cooker."

Claim Rejections - 35 USC § 103

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'377.

While US'377 does not explicitly disclose a temperature control system, this does not patentably distinguish the claimed invention from the prior art. It would have been obvious to use a temperature control system to allow selection of food temperatures placed in the container.

Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'377 in view of US Pat. 5951900.

The claims differ from US'377 only in calling for temperature control means in the cover. US'900, at Figs. 1 and 2, discloses temperature control means 20 in the cover of a food heating vessel. It would have been obvious to adapt the control means of US'900 to the appliance of US'377 to improve accuracy of temperature control in the container.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 3508485 in view of US Pat. 4672179 and .

Referring to Figs. 1-3 and col. 2, lines 38-62, US'485 discloses a cover, an "inner container" 42, an "inner heat insulating casing" 10, a heater element 38 in the "welled area" 22 of inner casing 10, a "hot air passing chamber" between the inner container 42 and inner casing 10, and temperature control means 28 in the base. US'485 does not disclose an "intermediate heat-insulating casing" with fibrous insulation between it and the inner casing.

However, US'179 discloses, at Fig. 1, an "intermediate heat-insulating casing" 1 with insulation 2 between it and an inner casing 3, in a cooker having a closely analogous structure. It would have been obvious to adapt the insulating structure of US'179 to the cooker of US'485 to avoid excessive and possibly dangerous heating of surfaces to which the user is exposed. Fibrous insulation would have been considered as a matter of course since it is conventional.

Claims 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'485 in view of US'179, as applied to claim 11-13 above, and further in view of US Pat. 6624392.

The claims differ from US'485 in view of US'179 only in calling for an inner container with "an outwardly-curving concavity." However, referring to Fig. 10, US'392 discloses such a shape for a heating member, to which the inner container conventionally conforms. It would have been obvious to adapt the curved bottom shape of US'392 to the container of US'485 in view of US'179, since US'392 utilizes

Art Unit: 3742

convection heating in the "hot air passing chamber" between the heat source and the inner container, and this shape enhances air flow up the container sides.

Claims 1, 3-5, 8, 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'485 in view of US'179 and US'392, as applied to claims 15-18 and 20 above, and further in view of US'900. (Here the heating means will be treated as the single heater originally disclosed.)

The claims differ substantively from US'485 in view of US'179 and US'392 only in calling for a temperature sensor in the lid. US'900, at Figs. 1 and 2, discloses temperature control means 20 in the cover of a food heating vessel. It would have been obvious to adapt the control means of US'900 to the appliance of US'485 in view of US'179 and US'392 to improve accuracy of temperature control in the container. A silica-gel sealing ring on the upper rim does not patentably distinguish the claimed invention from the prior art. It would have been obvious to utilize such a sealing ring to minimize moisture loss during cooking.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant is urged to review the prior art cited but not applied when replying to this Office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

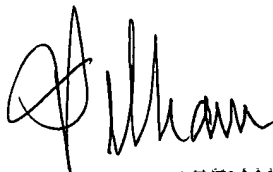
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/22/07

A handwritten signature in black ink, appearing to read 'J. Pelham', is written over a horizontal line.

JOSEPH PELHAM
PRIMARY EXAMINE